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09/741,157	12/21/2000	Makoto Nakatsu	43890-471	5545

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EXAMINER

ELAHEE, MD S

ART UNIT PAPER NUMBER

2645

16

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/741,157

Applicant(s)

NAKATSU, MAKOTO

Examiner

Md S Elahee

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3 and 5-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed 04/20/04. Claims 1, 3 and 5-9 are pending. Claims 2, 4 and 10-15 have been canceled.

### ***Response to Arguments***

2. Applicant's arguments filed 04/20/04 have been fully considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, the phrase 'the response messages' on page 2, line 20 lacks sufficient antecedent basis because it appears that the phrase 'the response messages' should be 'the response message'.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Aktas et al. (U.S. Patent No. 6,459,776).

Regarding claim 1, Aktas discloses a memory (i.e., audio storage unit) for storing personalized message (i.e., audio data including audio information, the audio information including a response message) (fig.2; col.5, lines 1-10, 33-35, col.6, lines 51-59).

Aktas further discloses a caller profile (i.e., response message control table) for assigning each caller with each of a plurality of the personalized messages (i.e., response messages) for each of a plurality of mailboxes (fig.2, 3; col.3, lines 16-31, col.5, lines 1-10, 33-35, col.7, lines 13-32).

Aktas further discloses a central processing unit (CPU) 24 (i.e., controller) for accessing (i.e., reading out) the message (i.e., audio data) stored in the memory (fig.2; col.5, lines 1-10, 33-35).

Aktas further discloses central processing unit (CPU) 24 (i.e., central controller) for controlling the messaging server 40 (i.e., audio storage apparatus) (fig.2; col.5, lines 1-10, 33-35).

Aktas further discloses a LAN card 26 (i.e., network interface) for connecting the messaging server 40 to a network including a telephone line or an extension line (fig.2; col.4, lines 48-51, col.5, lines 15-35).

Aktas further discloses a caller identification subsystem 12 (i.e., caller information detector) for detecting caller information from an input signal incoming from the network (fig.2; col.4, lines 22-31, col.6, lines 15-32, 51-59).

Aktas further discloses when it is judged that a mailbox number, which is sent from the network, has been assigned, refers to the caller profile (i.e., response message

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control table) for judging whether a personalized message corresponding to the caller information detected by the caller identification subsystem 12 (i.e., caller information detector) is assigned or not (col.4, lines 22-31, col.6, lines 51-59, col.7, lines 14-32, 43-54, col.8, lines 47-67, col.9, lines 14-17, 33-49).

Aktas further discloses when it is judged that a personalized message corresponding to the caller information detected by the caller identification subsystem 12 (i.e., caller information detector) is assigned, reproduces the personalized message (col.4, lines 22-31, col.6, lines 15-32, 51-59).

Aktas further discloses when it is judged that a personalized message corresponding to the caller information detected by the caller identification subsystem 12 (i.e., caller information detector) is not assigned, reproduces a general message (i.e., response message) not assigned to the caller information (col.5, lines 44-51, col.8, lines 5-18, 47-67).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aktas et al. (U.S. Patent No. 6,459,776) and in view of Tachell et al. (U.S. Patent No. 6,160,877).

Regarding claims 3, Aktas fails to teach "a group control table registering plural telephone numbers in one group". Tachell teaches contact database (i.e., group control

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table) editing telephone numbers in one group (col.16, lines 16-39; 'editing' reads on the claim 'registering'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aktas to allow a group control table registering plural telephone numbers as taught by Tachell. The motivation for the modification is to have the group control table in order to provide telephone numbers for different attributes.

Aktas further discloses CPU when calling in the network interface from the network, reproducing the personalized message stored in the memory (i.e., audio storage) data through the CPU (fig.2; col.5, lines 1-10, 33-35, col.6, lines 51-59).

However, Aktas further fails to teach "reproduces the main guidance". Tachell teaches reproducing the call screening options (i.e., main guidance) (col.12, lines 9-14). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aktas to allow a main guidance as taught by Tachell. The motivation for the modification is to have the main guidance in order to instruct the user.

Aktas further fails to teach reproducing the audio information when it is judged there is a request for hearing of audio information on the basis of the input signal. Tachell teaches reproducing message (i.e., audio information) to hear the stored message (i.e., when it is judged there is a request for hearing of audio information on the basis of the input signal) (col.14, lines 36-48). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aktas to allow a reproduction of the audio information when there is a request for hearing it as taught by Tachell. The motivation for the modification is to have the request in order to get the information about the caller from the storage device.

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Regarding claim 5 is rejected for the same reasons as discussed above with respect to claims 1, 3.

Regarding claim 6 is rejected for the same reasons as discussed above with respect to claims 1-3.

Regarding claims 7 and 8 are rejected for the same reasons as discussed above with respect to claims 1, 3.

Regarding claim 9, Aktas further discloses reproducing the general message (i.e., designated response message) without an assignment of a mailbox (col.5, lines 44-51, col.8, lines 5-18, 47-67).

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weller et al. (U.S. Patent 6,266,399) teach Outgoing message selection based on caller identification and time/date constraints, Adamczyk et al. (U.S. Patent 6,628,761) teach Methods and systems allowing access to a messaging platform through a visited messaging platform, Arbel et al. (U.S. Patent 5,276,731) teach Method and apparatus for handling incoming telephone calls and Klein (U.S. Patent 5,434,908 ) teach Greeting and schedule integration arrangement.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.

MD SHAFIUL ALAM ELAHEE  
July 2, 2004

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